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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

MEYERTONS
HOOD
KIVLIN
KOWERT
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A PROFESSIONAL CORPORATION

700 LAVACA, SUITE 800
AUSTIN, TEXAS 78701
TELEPHONE (512) 853-8800
FACSIMILE (512) 853-8801

FAXTo: Examiner KangFrom: Jeffrey C. HoodFax: 571 273-8300Pages: 5 (incl. cover)Phone: 571 272-3724Date: November 21, 2006Re: SN 09/747,091Phone: 512/853-8820(Attorney Docket No. 5150-45900)**• Comments:**

Attached are two terminal disclaimers for filing in the above-referenced case.

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NOV 21 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/747,091
 Filed: December 21, 2000
 Inventor(s):
 Jeffrey L. Kodosky and Kevin Hogan

Examiner: Kang, Insun
 Group/Art Unit: 2193
 Atty. Dkt. No: 5150-45900

Title: SYSTEM AND METHOD FOR
 PROGRAMMATICALLY
 GENERATING A GRAPHICAL
 PROGRAM IN RESPONSE TO A
 STATE DIAGRAM

I hereby certify that this correspondence is being transmitted via
 facsimile to the United States Patent and Trademark Office (Fax
 No. 571-273-8300) on the date shown below:

Jeffrey C. Hood

Nov. 21, 2006
 Date

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
 OVER A PRIOR PATENT**

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir/Madam:

1. National Instruments Corporation is the owner of all rights in the captioned application.
2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 7,120,876.
3. National Instruments Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior

patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

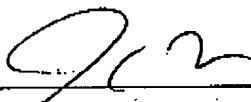
4. In making the above disclaimer, National Instruments Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 7,120,876, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant. Furthermore, National Instruments Corporation does not disclaim any extension or restoration of term to the patent granted on the captioned patent application, which extension or restoration is effected under any applicable statute.

5. The undersigned is an attorney of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-45900\JCH.

Date: November 21, 2006

By:



Jeffrey C. Hood
Reg. No. 35,198
Attorney of Record

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/747,091

Filed: December 21, 2000

Inventor(s):

Jeffrey L. Kodosky and Kevin Hogan

Title: SYSTEM AND METHOD
FOR
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GENERATING A
GRAPHICAL PROGRAM IN
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Examiner: Kang, Insun

Group/Art Unit: 2193

Atty. Dkt. No: 5150-45900

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Jeffrey C. Hood

Signature

Nov. 21, 2006
Date**TERMINAL DISCLAIMER TO OBVIAE A DOUBLE PATENTING REJECTION
OVER A PENDING SECOND APPLICATION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

1. National Instruments Corporation is the owner of all rights in the captioned application.
2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant, of any patent granted on pending second Application Serial No. 09/745,023 titled "System and Method for Programmatically Generating a Graphical Program in Response to Program Information" filed on December 20, 2000. National Instruments Corporation hereby

agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

3. In making the above disclaimer, National Instruments Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Furthermore, National Instruments Corporation does not disclaim any extension or restoration of term to the patent granted on the captioned patent application, which extension or restoration is effected under any applicable statute.

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Respectfully submitted



Jeffrey C. Hood
Reg. No. 35,198
Attorney for Applicant(s)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, Texas 78767-0398
(512) 853-8800

Date: November 21, 2006